

FEB 13 1989

Mr. H. Gilbert Weil
Union Carbide Corporation
P.O. Box 670
Bound Brook, New Jersey 08805

Dear Mr. Weil:

Specifically, I would like to bring to your attention the fact that your consultant, ERM, is currently proceeding with Treatability Studies without EPA's approval of the plans for these studies. After several inadequate submissions of treatability study plans and/or addendums, and lengthy discussion of EPA comments regarding those plans at our meeting on January 23, 1989, revised plans addressing EPA comments still have not been submitted to the Agency.

As you are aware, James Schmidtberger, of my staff, spent two full days meeting with ERM at their offices on February 1 and 2, 1989. The purpose of these meetings was to provide technical assistance regarding the treatability study plans, and for EPA to ensure that all of our comments had been addressed in the final document. However, it was found that in fact, many of EPA's comments had still not been addressed. The plan for treatability studies still contained major inconsistencies, and some of the tables regarding analyses were in direct conflict with EPA comments.

In your letter to Janet Feldstein, dated January 24, 1989, you indicated that the studies would commence on the assumption that the comments provided by EPA would all be addressed in a final plan. EPA has informed you several times that commencement of these studies without prior EPA approval of plans was completely at Respondents' own risk. However, based on the plans EPA reviewed last week at ERM's offices, it appears as though Respondents have not complied with the representations made to EPA.

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Although the treatability studies are apparently all underway, EPA has not yet even received any document which adequately describes how these studies will be conducted. I sincerely hope that the studies are, in fact, being conducted in accordance with EPA comments on the original plans.

Please ensure that the treatability study plans are revised in accordance with all of EPA's comments and submitted to this office by no later than February 17, 1989.

If you have any questions regarding this matter, please contact Janet Feldstein, of my staff, at (212) 264-0613.

Sincerely yours,

Raymond Basso, Chief
New Jersey Compliance Branch

cc: Tom Armstrong, General Electric
William L. Warren, Esq.
Pamela Lange, NJDEP

bcc: J. Rooney, ORC-NJSUP
J. Schmidtberger, NJCB
R. Schwarz, NJRAB

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